REMARKS

Claims 1-22 and 24-40 are currently pending in the subject application and are presently under consideration. Claims 1, 24, 26, 27, 36, 38 and 40 have been amended as shown at pages 2-8 of the Reply. Claim 23 has been cancelled.

Applicants' representative thanks the Examiner for the courtesies extended during the telephonic interview conducted on April 5, 2006, and for the email communications dated April 7th and 11th, 2006. The Examiner was contacted to clarify an aspect of applicants' claimed invention in relation to the cited reference. The claims have been amended herein to emphasize novel aspects of the invention. The proposed claim amendments and interview summary were submitted to the Examiner on April 7th, 2006. It is believed these amendments do not require further search or undue consideration, and entry thereof is respectfully requested.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Objection to the Specification

The Examiner objected to the specification in his email dated April 11, 2006. It is submitted that the specification was amended in the Response to Office Action dated August 19, 2005 to incorporate the missing application numbers. In view of at least the foregoing it is requested that this objection be withdrawn.

II.   Rejection to Claims 26, 38, 39 and 40 Under 35 U.S.C. §112

The Examiner in his email communication rejected claims 26, 38, 39 and 40. The Examiner contends that the claimed "computer readable medium" lacks proper support in the specification. It is submitted to the Examiner that these claims are fully enabled by the specification at line 20 of page 25-line 10 of page 26. A complete description of computer readable media that can be used to store the computer executable instructions to carry out the methods of the subject invention is given at this section. In view of at least the foregoing, it is respectfully requested that this rejection be withdrawn.

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III.   Rejection of Claims 1-17 and 21-40 Under 35 U.S.C. §102(b)

Claims 1-17 and 21-40 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ravindran, *Engineering Dynamic Real-Time Distributed Systems: Architecture, System Description Language, and Middleware*, January, 2002. This rejection should be withdrawn for at least the following reasons. Ravindran does not disclose or suggest each and every feature set forth in the subject claims.

> A *single prior art reference* anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed invention relates to a model-based management system that provides an innovative framework which enables a developer to describe an application or service in terms of its components. The developer can describe desired states of the application or service in terms of functionality, configuration, security, and performance. This description or model is used by the computer system at installation to configure the management services for the application. To this end, independent claims 1, 24, 27, 36, 38 and 40 recite similar claim features, namely: a *description component that describes corrective actions* and *a management service component that configures itself based at least on the description component.* Ravindran does not disclose such novel aspects.

Ravindran pertains to an architectural framework and algorithms for engineering dynamic real-time distributed systems. The Examiner in his email communication dated April 11, 2006, incorrectly contends that Ravindran discloses corrective actions in the system description language at page 38 right column. However, at the cited section, Ravindran states that, "If 15 out of the most recent 20 cycles violate this requirement, then *corrective actions through resource management techniques are required.*" Further, Ravindran also states that, "In this paper we focus on identifying recovery actions for application programs that are diagnosed as unhealthy. We present an algorithm that identifies a set of candidate recovery actions for an unhealthy application program..." (Page 45, Left column lines 1 – 5). In view of the foregoing, it is readily apparent that the different corrective actions are identified by the resource

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management middleware utilizing the algorithms described, and are not part of system description language (*see* Figure 2), where as the instant claims recite corrective actions as part of the description component i.e. *a description component that also describes corrective actions*. Also, Ravindran states that "The system description language provides concrete abstractions to describe the architectural properties such as composition and interconnections of application software and hardware resources and its timeliness and survivability requirements as desired QoS." (*See* Ravindran page 33, left column section 5, line 6 - right column, line 2). Nowhere in the system description language does Ravindran disclose different corrective actions that can be taken by the middleware as in applicants' claimed invention.

The description component of applicants' invention *also defines the corrective actions* in addition to functionality, configuration, system resource utilization, security, and performance. As a result, in part, of the corrective actions already being disclosed in the description component of the application, the management system component is able to configure itself based at least on the description component. Ravindran does not disclose or suggest an identical invention as described in the subject claims. In view of at least the above, it is respectfully requested that this rejection be withdrawn with respect to independent claims 1, 24, 27, 36, 38, 40 and the claims that depend there from.

IV.   Rejection of Claims 18-20 Under 35 U.S.C. §103(a)

Claims 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ravindran in view of Berners-Lee, *et al.* ("BL98"), Uniform Resource Identifiers (URI): Generic Syntax, August 1998. It is respectfully requested that this rejection be withdrawn for the following reasons. Ravindran and Berners-Lee, *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Berners-Lee, *et al.* does not make up for the aforementioned deficiencies of Ravindran with respect to independent claim 1 (which claims 18-20 depend from).

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP518US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP
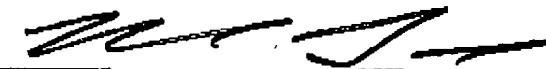
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